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7 *Attorneys for Defendants, Jane C. Ettinger Booth  
and Booth & Booth, APLC*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 RADHIKA POCHAMPALLY, an individual,

11 Plaintiff,

12 v.

13 JANE C. ETTINGER BOOTH, an  
14 individual, and BOOTH & BOOTH, APLC,  
15 and DOES 1 through 50 inclusive,

16 Defendants.

CASE NO.: 2:17-cv-02895-JCM-NJK

STIPULATION AND ORDER TO  
STAY DISCOVERY AND THE  
FILING OF A DISCOVERY PLAN  
PENDING FINAL RESOLUTION OF  
DEFENDANTS' RULE 12 B MOTION  
TO DISMISS / TRANSFER (ECF NO.  
10)

17 COME NOW Plaintiff and Defendants, through their counsel of record, and  
18 stipulate as follows:

19 1. On November 17, 2017, pro se Plaintiff filed her Complaint in the instant  
20 action. ECF No. 1. The Complaint has causes of action for Malicious Prosecution;  
21 Conspiracy to Commit Malicious Prosecution; Abuse of Process; Fraud; Intentional  
22 Infliction of Emotional Distress; Loss of Consortium and Interference with Parental  
23 Rights and Visitation; and Defamation, Libel and Slander.

24 2. On December 13, 2017. Defendants filed a Rule 12 B Motion to Dismiss  
25 Due to Lack of Personal Jurisdiction and Improper Venue, or Alternatively, to Transfer  
26 Pursuant to 28 U.S.C. § 1631 ("Defendants' Motion to Dismiss/Transfer"). ECF No. 10.  
27 The primary arguments of the Motion are that (1) this Court does not have Personal  
28 Jurisdiction over the Defendants (attorneys in Louisiana), and alternatively (2) that

1 venue is improper and the case should be transferred to the Eastern District of  
2 Louisiana.

3       3. Briefing on Defendants' Motion to Dismiss/Transfer is Complete.

4       4. No Discovery has been done in this case pending the Court's ruling on  
5 Defendants' Motion to Dismiss/Transfer.

6       5. The Parties seek a stay of Discovery and the filing of a Discovery plan  
7 until after the Court rules on Defendants' Motion to Dismiss/Transfer.

8       6. Federal district courts have "wide discretion in controlling discovery." *Little*  
9 *City of Seattle*, 863 F.2d 681, 685 (9<sup>th</sup> Cir. 1988)

10      7. This Court has formulated three requirements to determine whether to  
11 stay discovery pending a potentially dispositive motion. These requirements are as  
12 follows: (1) the pending motion is dispositive; (2) the potentially dispositive motion can  
13 be decided without additional discovery; and (3) the Court has taken a "preliminary  
14 peek" at the merits of the potentially dispositive motion to address its merits. *Kor Media*  
15 *Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). Here, the factors support a  
16 stay of litigation.

17      8. The pending motion is dispositive: Defendants' Motion to  
18 Dismiss/Transfer is primarily a motion to dismiss based on this Court's lack of personal  
19 jurisdiction over the Defendants. While the parties may disagree on the merits of this  
20 argument, they both agree that if the Motion to Dismiss portion of the Motion is granted,  
21 it will be dispositive of the case in its entirety. Defendants Motion to Transfer is only  
22 made in the alternative.

23      9. The dispositive motion can be decided without additional discovery:  
24 Neither party argues that additional discovery is needed in order for the Court to make a  
25 decision on the pending Motion to Dismiss/Transfer. The parties believe the Court need  
26 only look to the allegations of the Complaint to determine if there is a claim.

27      10. This Court can take a preliminary peek at the merits of the Motion to  
28 Dismiss/Transfer. The Motion to Dismiss/Transfer is fully briefed and ready for this

1 Court's ruling. While the parties may disagree on the merits of the arguments in the  
2 Motion, they agree that the facts and law are set out in such a way that this Court can  
3 make a preliminary judgment as to their validity.

4       11. The parties believe a stay is warranted because they will be able to avoid  
5 the cost and expense of written discovery and depositions that may be irrelevant  
6 depending on the outcome of the Motion to Dismiss/Transfer. Further, the Court will be  
7 relieved of expending further time and effort considering any discovery-related motions  
8 or protective orders.

9       11. The parties agree and request that all discovery deadlines in this case,  
10 including the requirement to file a Discovery Plan, be stayed pending final resolution of  
11 the Motion to Dismiss/Transfer in this matter.

12        12. Any party may file a written motion to lift stay at any time if either party  
13 determines it appropriate.

14 DATED this 16<sup>th</sup> day of February, 2018. Dated this 16<sup>th</sup> day of February, 2018  
15 LIPSON NEILSON, P.C.

16 By: /s/ Kaleb Anderson  
17 JOSEPH P. GARIN, ESQ.  
(NV Bar No. 6653)  
18 KALEB D. ANDERSON, ESQ.  
(NV Bar No. 7582)  
19 9900 Covington Cross Drive, Suite  
Las Vegas, Nevada 89144  
20 Attorneys for Defendants, Jane C.  
Booth and Booth & Booth, APLC

\*\*Signature on next page\*\*

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RADHIKA POCHAMPALLY  
Plaintiff in Pro Se

## ORDER

IT IS SO ORDERED

**UNITED STATES MAGISTRATE JUDGE**

DATED:

LIPSON NEILSON, P.C.  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
(702) 382-1500 - fax (702) 382-1512

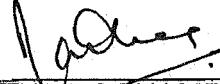
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14       DATED this 16<sup>th</sup> day of February, 2018.      Dated this 16<sup>th</sup> day of February, 2018  
15 LIPSON NEILSON, P.C.

16       By: /s/ Kaleb Anderson  
17 JOSEPH P. GARIN, ESQ.  
(NV Bar No. 6653)

  
RADHIKA POCHAMPALLY  
Plaintiff in Pro Se

18 KALEB D. ANDERSON, ESQ.  
(NV Bar No. 7582)

19 9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
20 Attorneys for Defendants, Jane C. Ettinger  
Booth and Booth & Booth, APLC

21  
22 ORDER

23 IT IS SO ORDERED

24  
25   
UNITED STATES MAGISTRATE JUDGE

26  
27 DATED: February 20, 2018